

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JENNIFER M. OWENS, et al.,

Plaintiffs,

vs.

NYE COUNTY, et al.,

Defendants.

Case No. 2:07-cv-00582-RCJ-GWF

FINDINGS AND
RECOMMENDATIONS

On March 4, 2009, the Court issued an Order to Show Cause (Dkt. #35), ordering Plaintiffs to show cause in writing, by March 17, 2009, why Plaintiffs' action against Defendants should not be dismissed. The Court issued the Order to Show Cause in response to Plaintiffs' failure to comply with a February 11, 2009 Order requiring the parties to file a joint pretrial report that fully complied with the requirements of LR 16-3 and LR 16-4 no later than February 20, 2009. (Dkt. #30). The Court conducted a status conference on March 2, 2009, at which Plaintiffs failed to appear. (Dkt. #34). Defendants appeared at the status conference and represented to the Court that their various efforts to contact Plaintiffs had been unsuccessful. As a result, the Court issued the order to show cause and notified Plaintiffs that failure to comply with the Order would result in the Court's recommendation that Plaintiffs' action be dismissed.

To date, Plaintiffs have failed to respond to Defendants' attempts to schedule a pretrial conference, failed to participate in the preparation of a joint pretrial report and have failed to comply with the Court's Order to Show Cause. Accordingly,

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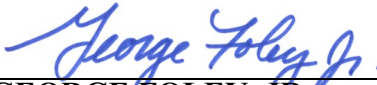
RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiffs' action against Defendants should be **DISMISSED** with prejudice based on Plaintiffs' failure to comply with the Court's Order to Show Cause.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 18th day of June, 2008.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE